

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

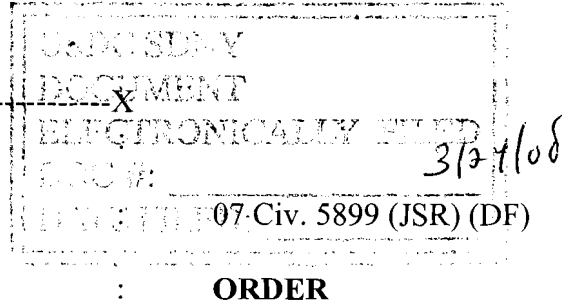
JERRY FRITH,

Plaintiff,

-against-

NEW YORK CITY POLICE DEPARTMENT,

Defendant.



**ORDER**

**DEBRA FREEMAN, United States Magistrate Judge:**

*Pro se* plaintiff Jerry Frith (“Plaintiff”) having initiated this action by filing a motion for return of seized property, pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure, in connection with his federal criminal proceeding, *United States v. Frith*, 02 Cr. 733 (JSR)<sup>1</sup>; and the Court (Rakoff, J.) having directed the Clerk of the Court to deem Plaintiff’s motion a civil “complaint” (Dkt. 11); and Plaintiff having now sought leave to amend his complaint (*see* Plaintiff’s “Motion to Amend or Leave to Amend and Memorandum of Law in Opposition to Defendant’s Motion to Dismiss,” dated Feb. 28, 2008); and no defendant having yet served an answer to the complaint; it is hereby ORDERED that:

Plaintiff’s motion for leave to amend his complaint is GRANTED. Plaintiff is directed to file, through the Court’s *Pro Se* Office, an Amended Complaint, naming in the caption of his pleading all defendants against whom he wishes to proceed, and setting out, in the body of his

<sup>1</sup> Although Plaintiff cited Rule 41(e) as the applicable rule, the applicable rule is actually Rule 41(g). *See United States v. Gotti*, 244 F. Supp. 2d 120, 133 (E.D.N.Y. 2003) (explaining that Rule 41(e) was revised and relocated to Rule 41(g) in 2002).

3/24/08